

EXHIBIT D
TO THE DECLARATION OF
CHRISTOPHER O. GREEN IN SUPPORT OF
APPLE'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL (DKT. No. 401)
UNREDACTED

Highly Confidential**GPNE CORP. vs. APPLE, INC.**
Gabriel Wong on 04/11/2013**5:12-cv-02885-LHK**
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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 (SAN JOSE DIVISION)

4 GPNE CORP.,) Case No.
 5 Plaintiff,) 5:12-cv-02885-LHK
 6 vs.) Deposition of
 7 APPLE, INC.,) Gabriel Wong
 8 Defendant.) Volume I
) April 11, 2013
)

9 GPNE CORP.,) Case No.
 10 Plaintiff,) 5:12-cv-03055-LHK
 11 vs.)
 12 AMAZON.COM, INC.,)
 13 Defendant.)
)

14 GPNE CORP.,) Case No.
 15 Plaintiff,) 5:12-cv-03056-LHK
 16 vs.)
 17 NOKIA CORP. AND NOKIA, INC.,)
 18 Defendant.)
)

19 GPNE CORP.,) Case No.
 20 Plaintiff,) 5:12-cv-03057-LHK
 21 vs.)
 22 PANTECH CO., LTD and)
 23 PANTECH WIRELESS, INC.,)
 24 Defendant.)
)

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1 this, more than ten pages of document first. We
2 approach MPM first.

3 Q. To produce a prototype?

4 A. Yes.

5 Q. Are you referring to the investment
6 requirement on Page 10 of this document?

7 A. Page 10? Yes.

8 Q. That's the quote MPM gave you for
9 producing?

10 A. That's the quote MPM give me.

11 Q. And you weren't able to raise funds to
12 produce a prototype according to this budget; is
13 that correct?

14 A. No, because we thought, you know, it's
15 just at the prototyping stage to prove the concept
16 we could do it cheaper. That's how we went to
17 Cybermation Systems.

18 Q. And, Mr. Tang here wrote in the first
19 bullet, "The goals of the project are to show that
20 the Digicomm protocol is physically viable by
21 committing the theoretical concept to hardware and
22 software."

23 Do you see that?

24 A. Yes.

25 Q. So prior to this time, the Digicomm

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1 protocol hadn't been reduced to hardware; is that
2 right?

3 A. Just to prove the concept, we did not
4 have to, what you might call reinvent the wheel,
5 you know. If there's existing hardware and
6 software that they can combine to produce the
7 invention, that's even cheaper, okay? So we did
8 not want them to do it from scratch.

9 Q. So they didn't have to invent any new
10 hardware to put your protocol in play?

11 A. Yes. They didn't. But in order to
12 prove the concept, even the hardware may be bulky,
13 you know. Even though the computer unit, it's not
14 as bulky as what you and I have in here, in those
15 days, they have the PDA, something like that,
16 which is about this size (indicating).

17 So you equipped them with a controller,
18 you know, and then equip them with antenna, you
19 know, modified by the modulation type of technique
20 you can modulate the frequency.

21 And then utilizing the existing art
22 stage of the technology, there was no need to
23 start from making a computer. Put it this way.

24 Q. Okay. Thank you.

25 And did Mr. Tang actually do that?

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1 A. Yes.

2 Q. Do you know, did you see that prototype?

3 A. Yes.

4 Q. Do you know where that prototype is
5 today?

6 A. It's been long time ago, you know.
7 Mr. Tang kept the prototype in his possession,
8 yeah.

9 Q. Have you asked whether he still
10 possesses it today?

11 A. We haven't been in touch with him for
12 several years already. And I believe he still had
13 the prototype, which we took to do a road show in
14 China.

15 Q. Let me make sure I understand.

16 You believe Mr. Tang still has the
17 prototype today?

18 A. I believe so, because I don't have it.

19 Q. Okay. Going to the second part of your
20 answer, you took it to a road show to China.

21 Was that you showed it to China
22 Telecommunications; is that correct?

23 A. Yes, yes.

24 Q. And did China Telecommunications elect
25 to actually produce a product?

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1 Can you identify for me any specific
2 reason why GPNE did not approach Apple and offer
3 to license the patents that are asserted in this
4 lawsuit before filing suit?

5 A. I do not know why. I do not know why,
6 honestly.

7 Q. Well, Apple never refused a license or
8 any inquiry from GPNE; is that fair?

9 A. We haven't approached them.
10 How do they refuse or accept?

11 Q. Exactly. Apple never showed an
12 unwillingness to license any products; is that
13 correct -- strike that -- Apple never --
14 withdrawn.

15 You weren't angry with Apple at the time
16 you filed this lawsuit; is that correct?

17 A. No. No.

18 Q. And Apple --

19 A. I am a big admirer of Steven Jobs.

20 Q. Thank you. And Apple did not do
21 anything to GPNE to provoke the filing of this
22 lawsuit; is that fair?

23 A. That's fair. And I even bought the
24 iPad.

25 Q. Mr. Wong, is it correct that the

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1 revenues GPNE has made as a corporation, all of
2 those revenues come from efforts to license and
3 enforce its patents, rather than from the sale of
4 products; is that correct?

5 A. Yes, to my knowledge.

6 Q. Thank you. And, Mr. Wong, it's also
7 fair to say GPNE is not claiming that it has
8 invented an iPad or an iPhone; is that correct?

9 MR. BUMGARDNER: Objection.

10 A. I don't know how to answer that
11 question. We never manufactured a product.

12 BY MR. GREEN:

13 Q. GPNE never manufactured a product?

14 A. No, we -- only to the stage of
15 prototyping.

16 Q. And that prototype is not within your
17 possession today?

18 A. No, it's not in my possession. It's not
19 to the stage of a marketable product.

20 Q. GPNE has never had a marketable product;
21 is that fair?

22 A. Yeah, that's fair to say that.

23 Q. Would you agree with me that Apple is an
24 innovative company?

25 A. Very innovative.

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1 Q. Thank you. As someone who holds the
2 title of Chairman and Director of GPNE, can you
3 tell me whether GPNE has a standard policy for
4 licensing its patents? Something like a rate
5 schedule or a series of specific factors that it
6 applies in every licensing situation?

7 A. No, I haven't seen a specific policy
8 with guidelines to determine using factors or
9 criteria to determine how to license it. I
10 haven't seen it.

11 Q. Would you expect to be aware of such a
12 policy if it existed?

13 A. Oh, yeah. If that's the -- yeah, I
14 would be -- I would be told about that policy,
15 right.

16 Q. That makes sense. Thank you.

17 Who were the other individuals at GPNE
18 that have the authority to participate in
19 decisions on whether GPNE will license or not
20 license its patents?

21 A. Chris -- can I call you Chris?

22 Q. You may.

23 A. Okay Chris. We don't have a guideline
24 of licensing. When you say "licensing," does it
25 mean, you know, you knock on the door of a certain

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